

**DIANE ROSENBAUM**  
State Representative  
DISTRICT 42



**Speaker Pro Tempore**  
Chair:  
Elections, Ethics &  
Rules Committee

**HOUSE OF REPRESENTATIVES**

900 Court St NE H-380  
Salem, OR 97301

July 22<sup>nd</sup>, 2008

Director Risenhoover  
Office of Sustainable Fisheries  
1315 East-West Highway, SSMC3  
Silver Spring, MD 20910.

Dear Director Risenhoover:

In 2007, the Magnuson-Stevens Fishery Conservation and Management Act (MSA) was re-authorized and directed the National Marine Fisheries Service (NMFS) to update its environmental review procedures for compliance with National Environmental Policy Act (NEPA). The proposed rule with the revised environmental review procedures was released on May 14, 2008.

I am very concerned that the proposed rule falls short of the intent of Congress that these revised procedures comply with NEPA. Compliance with NEPA is critical to providing both ecosystem-based management and sufficient public comment opportunity on fishery management proposals.

As proposed, the new rules would have the following impacts:

- Complicates NEPA compliance
  - Under the proposed rule, procedures will become more difficult to complete with the introduction of new documents with different requirements.
- Increased control given to fishing industry
  - Environmental review responsibility moved from NMFS to fishery management councils, which often have substantial financial interests in the local fisheries.
- More opportunities for avoiding environment reviews
  - Fishery managers could utilize categorical exclusions, framework procedures, and other mechanisms to avoid both environmental review and public input.
- Reduces the opportunity for the public to comment on proposals in both timeframe and subject matter
  - The public comment period could be decreased from the current 45 day allotment to as little as 14 days. Moreover, any concerns not voiced within this initial comment period could not be raised during subsequent comment periods.



If adopted, this proposal would undermine the application of NEPA to the detriment of both fishery management and ocean ecosystems. I urge you to withdraw this proposal and redraft it to maintain the intent of Congress and President Bush.

Sincerely,

*Diane Rosenbaum*

Oregon State Representative Diane Rosenbaum  
Speaker Pro Tempore

CC: The Honorable Congressman Wu  
The Honorable Congressman Walden  
The Honorable Congresswoman Hooley  
The Honorable Congressman DeFazio  
The Honorable Congressman Blumenauer  
The Honorable Senator Wyden  
The Honorable Senator Smith